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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 TROY E BELCHER,

11 Plaintiff,

12 v.

13 LEZLIE PICKETT et al.

14 Defendants.

CASE NO. C11-5452-RBL-JRC

ORDER DENYING PLAINTIFF'S  
MOTION FOR APPOINTMENT OF  
COUNSEL

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16 This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned Magistrate  
17 Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges Rules MJR 1,  
18 MJR 3, and MJR 4. Plaintiff has filed a motion for appointment of counsel (ECF No. 13).  
19 Plaintiff has also filed a separate memorandum in support of his motion (ECF No. 14). The  
20 Local Rules do not allow for separate memorandum in support of a motion and that document  
21 was not considered. See Local Rule 7 (b). Defendants oppose the motion for appointment of  
22 counsel (ECF No. 17).  
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1       There is no right to have counsel appointed in cases brought under 42 U.S.C. §  
2 1983. Although the court can request counsel to represent a party, 28 U.S.C. § 1915(e)  
3 (1), the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789  
4 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir.  
5 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional  
6 circumstances requires an evaluation of both the likelihood of success on the merits and  
7 the ability of the plaintiff to articulate his claims pro se in light of the complexity of the  
8 legal issues involved. Wilborn, 789 F.2d at 1331.

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10       Plaintiff has demonstrated an adequate ability to articulate his claims pro se. His  
11 complaint is well written and raises a number of claims including conditions of  
12 confinement, lack of religious services, and denial of due process. Plaintiff has made no  
13 showing of the likelihood of success on his claims. Defendants note that the facts and  
14 legal conclusions drawn by plaintiff are contested (ECF No. 17).

15       Plaintiff has not shown he is entitled to appointment of counsel at this time. The  
16 motion is DENIED.

17       Dated this 28th day of September, 2011.

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20 J. Richard Creatura  
21 United States Magistrate Judge  
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